

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

LOUIE ALEXANDER)	
)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO.:
)	
OPELIKA CITY SCHOOLS)	3:06-CV-498-WKW
)	
)	
)	
Defendant.)	

MOTION TO WITHDRAW

COMES NOW Counsel for Plaintiff Louie Alexander (hereinafter, “Plaintiff” or “Alexander”), Gregg L. Smith, and files this renewed Motion to Withdraw in the action filed by Plaintiff against Defendant Opelika City Schools (hereinafter, “Defendant”). In support of this renewed Motion, Counsel for Plaintiff provides the following:

1. Counsel filed a Motion to Withdraw on March 28, 2007. This Honorable Court conditionally granted the Motion in its Order issued April 20, 2007. (Court Order, dated April 20, 2007, hereinafter, “Order.”)
2. In this Order, the Court required that certain actions by Plaintiff’s counsel be taken and upon completion of those actions, the Court, “will enter an

order allowing Mr. Smith to withdraw.” (Order at p. 2.)

2. On May 22, 2007, the bankruptcy trustee filed a position statement with the Court regarding the cause of action filed by Plaintiff. (Chapter 13 Trustee’s Position Statement With Respect to Continue Prosecution of Debtor’s District Court Action, filed May 22, 2007.) On May 28, 2007, Plaintiff secured different counsel to represent him in this action. (Notice of Appearance and Request for New Scheduling Order, filed May 28, 2007.)

3. These two actions met the requirements of the Court for the Motion to Withdraw to be granted. However, the Court did not enter an order granting counsel’s withdrawal, which under the circumstances, is easily understood.

4. Today, Counsel for Plaintiff was notified by the Clerk of the Court that he technically was still representing Plaintiff in this matter, even though it was a closed case. The record needs to properly reflect that the undersigned has withdrawn from representing Plaintiff and has not represented Plaintiff in nearly one year.

Counsel for Plaintiff respectfully requests the Court to enter an Order allowing him to withdraw from representing Plaintiff in this action.

WHEREFORE Counsel for Plaintiff requests that this Honorable Court
grant the Motion to Withdraw

Respectfully submitted,

/s/ Gregg L. Smith
Attorney for Plaintiff

OF COUNSEL:

Gregg L. Smith

Attorney at Law

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Birmingham, Alabama 35223

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing pleading with the Clerk of the Court of the United States District Court for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to counsel for Defendant:

Elizabeth Brannen Carter

Hill, Hill, Carter, Franco,

Cole & Black, P.C.

P.O. Box 116

Montgomery, AL 36101-0116

on this the 28th day of February, 2008.

/s/ Gregg L. Smith

OF COUNSEL